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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-first year

Identical letters dated 18 February 2016 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I am compelled to write to you to draw your attention to and officially document the brutal crimes that continue to be perpetrated by Israel, the occupying Power, against the defenceless Palestinian civilian population in the Occupied State of Palestine, including East Jerusalem. Week after week, these letters are written in the hope that the atrocities mentioned will evoke a responsible, action-oriented response from the international community. This week is no different as we continue to call attention to these egregious Israeli violations and crimes against our people and continue to call for protection and measures to hold Israel accountable for its crimes, including war crimes against our people.

First, in follow-up to our previous letter, dated 11 February, I must recall the situation of the Palestinian journalist, Mohammed Al-Qiq, age 33, who is now in the 86th day of a hunger strike in protest against his administrative detention by Israel, the occupying Power, without charge. His plight remains grave, as his health continues to deteriorate sharply, and he is facing imminent death. We call on the international community to take all measures to compel the occupying Power to release Mr. Al-Qiq and to end its illegal use of administrative detention, by which the occupying Power is holding more than 530 Palestinians without charge or trial for periods of up to six months, renewable indefinitely, among the more than 6,000 Palestinian civilians it is illegally incarcerating and abusing in its jails. In this regard, the ongoing daily arrest raids by the Israeli occupying forces continue to add more and more innocent Palestinian civilians, including children and youth, to the ranks of those being brutally imprisoned and detained by the occupying Power.

Today, I must also again highlight that incitement by high-ranking Israeli officials against the entire Palestinian population continues unabated and continues to fuel intolerance and hate among the Israeli public. On Tuesday, 16 February, during an Israeli Knesset meeting, the Israeli Prime Minister declared that

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Palestinian "terror" came from a "culture of death" among Palestinian society. Such deplorable statements by the occupying Power, which dehumanizes the Palestinian people under its occupation, have fostered a culture of hatred and the demeaning of Palestinian lives that has allowed Israeli occupying forces to shoot and kill Palestinian civilians, including children, execution-style, in broad daylight, without any concern for accountability and without conscience.

Just one of the latest tragic examples of this prevalent disregard for Palestinian life is the shooting that critically injured Yasmin Rashad Al-Zarou Al-Tamimi, age 21, in Al-Khalil on Sunday, 14 February 2016. Yasmin and her sister had crossed an Israeli military checkpoint, and after they had walked a few metres past the checkpoint, Israeli occupying forces deliberately fired at Yasmin. Videos surfaced of her lying on the ground bleeding from multiple gunshots. The shooting of Yasmin occurred hours after occupying forces had shot and killed a Palestinian boy, Na'eem Ahmad Youssef Safi, age 17, at an Israeli checkpoint north of Bethlehem, along with two other Palestinian boys, Nehad Ra'ed Waked, age 15, and Fo'ad Marwan Waked, age 15, who were shot and killed by occupying forces near the village of Al-Araqa, west of Jenin.

The killings of these young Palestinians, among so many who have recently had their lives so callously taken and who lived their entire lives under this brutal occupation, are further proof of the occupying Power's complete disregard for the sanctity of Palestinian life. Clearly, the occupying Power believes that as long as it can falsely accuse Palestinians of trying to "harm" an Israeli soldier — fully armed with the latest and most lethal military weaponry, along with the most sophisticated protective gear and armoured vehicles, and imposing the occupation in the most inhumane and humiliating ways — their crimes will not be questioned, nor will they ever be held accountable or punished for the clearly established policy of "shooting to kill" Palestinians. The fact remains that the international community's inaction has helped to foster, rather than to curb, this appalling culture of impunity that prevails throughout the ranks of the Israeli occupying forces, fully backed by the Israeli Government in word and deed, which we continue to witness on a daily and shocking basis.

Below are just some of the innumerable crimes perpetrated by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in the period since our previous letter to you:

11 February 2016:

- Israeli occupying forces shot and injured three Palestinians during a raid into Beit Duqqu village, north-west of Jerusalem.

13 February 2016:

- Israeli naval boats launched heavy machine gun fire on Palestinian fishermen offshore north of the blockaded Gaza Strip.

14 February 2016:

- Occupying forces shot and killed Na'eem Ahmad Youssef Safi (age 17) at a checkpoint east of Bethlehem.
- Occupying forces fatally shot Nehad Ra'ed Waked (age 15) and Fo'ad Marwan Waked (age 15) near the village of Al-Araqa, west of Jenin.

- A 12-year-old student was run over by an Israeli military jeep during clashes that erupted with demonstrating students at the entrance of Al-Arroub refugee camp, north of Al-Khalil.
- Israeli occupying forces detained seven Palestinians from across the West Bank.
- Occupying forces shot and killed a Palestinian girl, Kalzar Mohammed Al-Uweiwi (age 18) at the entrance of Bab Al-Khan in Al-Sahla neighbourhood, near Al-Ibrahimi Mosque in Al-Khalil.
- Yasmin Rashad Al-Zarou Al-Tamimi (age 21) was seriously injured after being shot by Israeli occupying forces near Al-Ibrahimi Mosque in Al-Khalil.
- Occupying forces shot and killed two Palestinian youths, Mansour Yasser Shawamreh (age 20) and Omar Mohammed Amr (age 20), at Bab Al-Amoud, in Occupied East Jerusalem.

15 February 2016:

- Israeli occupying forces demolished 20 Palestinian dwellings in Ein Al-Rushrash, a locality to the south-east of Duma village, south of Nablus.
- Occupying forces detained 22 Palestinians from Ramallah, Al-Bireh and Nablus in the West Bank.
- 22 Palestinians were injured after occupying forces stormed Al-Amaari refugee camp, Ramallah.

16 February 2016:

- Israeli occupying forces, using live fire, shot and injured Ahmad Bilal Zaytoon (age 24) in the city of Nablus.
- Israeli settlers under the protection of occupying forces entered Al-Aqsa Mosque compound in Occupied East Jerusalem, inflaming tensions.
- Occupying forces detained nine Palestinians during predawn raids across the West Bank.

17 February 2016:

- Occupying forces demolished several agricultural and industrial structures in Al-Issawiya, on the outskirts of Occupied East Jerusalem, to establish a national park to serve illegal Israeli settlers.
- Israeli gunboats opened fire on Palestinian fishermen offshore from the Gaza Strip.
- Occupying forces destroyed hundreds of dunums of agricultural crops near Yatta, south of Al-Khalil.
- Occupying forces detained 20 Palestinians, including three children, in raids in the West Bank.

Surely, the long list of crimes mentioned above serves as further evidence that the failure to enact consequences for Israel's violations and grave breaches of international law, including humanitarian and human rights law, has clearly resulted in the loss of more and more Palestinian lives, including children. We thus reiterate

our urgent appeal to the Security Council to not only discuss but to act forthwith to uphold its Charter duties and take the necessary action to protect the Palestinian civilian population and to bring this illegal Israeli aggression and occupation in all of its manifestations to an end, in line with the relevant provisions and principles of international law and the countless relevant United Nations resolutions, including of the Security Council.

The international community cannot continue to turn a blind eye to this injustice and cannot justify continued inaction by the Council on this matter that is clearly within its purview, has been on the United Nations agenda since its inception, constitutes a threat to international peace and security and has already destroyed so many lives across multiple generations and caused innumerable tragedies and crises. The time to act, with responsibility and conscience, is long overdue and of utmost urgency if we are to avert the complete destabilization of the situation and the closure of the minute window for peace that remains, and if we are to provide hope to the Palestinian people that their long struggle for the realization of their rights and legitimate national aspirations, including for independence, will be fulfilled and will provide future generations of Palestinians and Israelis with the peace, security and coexistence they seek.

The present letter is in follow-up to our 574 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 11 February 2016 (A/ES-10/711-S/2016/135) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the State of Palestine to the United Nations

United Nations S/2016/159

Security Council

Distr.: General
19 February 2016
English
Original: Arabic

Identical letters dated 18 February 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I wish to transmit to you a summary of the humanitarian assistance deliveries that the Government of the Syrian Arab Republic has recently approved for areas of the country that are controlled or besieged by armed terrorist groups.

- On 16 February 2016, the Government gave its approval for the United Nations to deploy joint humanitarian assistance convoys to the following areas: Dayr al-Zawr governorate; the towns of Kafraya and Fu'ah in Idlib governorate; and the towns of Madaya, Zabadani, Kafr Batna and Mu'addamiyah in Rif Dimashq governorate. On 17 February, 32 trucks entered Mu'addamiyah with food aid for 4,400 families (half of what was needed), nutritional products for children and pregnant women, medicine, medical supplies and dialysis kits (all of what was needed). Plans are in place to deliver food aid to the remaining 4,400 families next week. An 18-truck convoy with a cargo of humanitarian assistance (food, nutritional products, medicine and medical supplies) reached Fu'ah and Kafraya, meeting the needs of 20,000 people. A 65-truck convoy with a cargo of humanitarian assistance (food, nutritional products, medicine and medical supplies) reached Madaya and three of the trucks went to Zabadani, meeting the needs of 40,000 people.

- On 21 December 2015, the Syrian Government approved the United Nations request to deploy humanitarian assistance to Bludan in Rif Dimashq governorate and to the districts of Sabburah and Harbnafsah in Hama governorate. To date, no action has been taken on those approvals.

- Approval been granted for the delivery of assistance to Bludan, Mu'addamiyah and Tall in Rif Dimashq not merely in principle, but in practice; humanitarian assistance has in fact been delivered to Mu'addamiyah and Tall in February 2016.

- The United Nations requests for joint humanitarian assistance deliveries to the towns of Nubul and Zahra' in 2015 were approved but have not been acted on.

- On 5 February 2016, the Syrian Arab Red Crescent delivered humanitarian assistance provide by the World Food Programme to Darah al-Kabirah in Homs governorate.

- In June 2015, the Syrian Government approved the United Nations request for the deployment of joint assistance convoys to the Arbin and Zamalka districts of Rif Dimashq governorate. However, the approvals were not acted on, because the United Nations insisted on following an unsafe itinerary that the Syrian Government could not approve.

- Medical humanitarian assistance provided by the World Health Organization (WHO) was delivered to Duma, in Rif Dimashq governorate, on 14 February 2016.

- The Syrian Government has approved the request of WHO for the delivery of leishmaniosis medication to Raqqah governorate and of tuberculosis medication to Raqqah and to Ayn al-Arab in Hasakah governorate. Plans are in place to deliver the aid in February 2016.

- Assistance was delivered to the Wa'r area of Homs city on 11 January and 5 February 2016.

- Humanitarian assistance was delivered to the Suq Wadi Barada area of Rif Dimashq governorate in January and February 2016.

- On 8 February, approval was granted for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to deliver humanitarian assistance to Yarmouk camp in Damascus governorate and Yalda, Babila and Bayt Saham in Rif Dimashq governorate. Delivery operations began on 11 February.

- Humanitarian assistance was delivered to the Shaddadi, Arishah and Markada districts of Hasakah governorate in January 2016.

In view of its responsibilities towards its citizens, the Government of the Syrian Arab Republic reaffirms its commitment to delivering humanitarian assistance to all affected citizens, especially in areas in which armed terrorist groups have deployed, or which they have occupied. Syria calls on the Security Council to rescind the unjust unilateral measures imposed by the United States and the European Union on Syria. Those measures have considerably exacerbated the suffering of the Syrian people.

I should be grateful if you would have the present letter issued as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2016/160

Security Council

Distr.: General
19 February 2016

Original: English

Letter dated 18 February 2016 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government and with reference to the letter dated 5 February 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Arab Republic of Egypt to the United Nations addressed to the President of the Security Council (S/2016/120), transmitting resolution No. 7988 of 10 January 2016 adopted at an extraordinary session of the Council of the League of Arab States, I wish to bring the following to your attention:

1. This resolution refers to the incident involving the embassy of the Kingdom of Saudi Arabia in Tehran. In my letter dated 4 January 2016, I expressed our regret over and explained the developments leading to this unfortunate incident as well as the wide array of efforts by the Iranian Government to protect the embassy, and the investigation launched to identify and punish the perpetrators. I informed you of the fact that the President of the Islamic Republic of Iran personally intervened and instructed the relevant government agencies to pursue the issue and bring the elements behind the incident to justice. I also reiterated Iran's commitments to international law and relevant international instruments, especially the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963, and Iran's determination to take necessary measures to prevent the occurrence of a similar incident in the future.

2. The said resolution goes far beyond its title and scope, namely, inviolability of diplomatic premises, and contains many baseless and unfounded allegations and politically motivated fabrications against my Government that are totally irrelevant to the issue at hand. I strongly reject all these allegations, and find them unacceptable especially at the present time, as they divert attention away from the main threats against the Islamic and Arab world, i.e., terrorism and violent extremism. They are nothing but attempts by a few of the signatories to cover up their support for the sectarian and extremist ideologies and the groups that are posing serious threats to our region and beyond.

3. Regional gatherings should aim to promote common understanding and help to advance peace and cooperation in line with the principles and purposes of the Charter of the United Nations. This resolution is nothing but repeating predetermined biased positions and false allegations by a few against Iran, whose self-restraint has prevented this concerted campaign from achieving its goal of exacerbating tension and derailing peace in the Persian Gulf region. We also

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consider the circulation of such misleading documents as a misuse of the United Nations procedure for disseminating information.

4. Iran's foreign policy accords priority to friendship with neighbours, peace and stability in the region and constructive engagement across the globe. We are determined to actively pursue this policy in the face of increasing threats of terrorism and violent extremism and to cooperate with our neighbours and the international community in dealing with these common global threats.

5. Iran highly respects the principles of national sovereignty and non-interference in the internal affairs of other countries while it believes that the legitimate rights of people should be well respected.

6. On the unilateral claim by the United Arab Emirates over the Iranian islands of Abu Musa, the Lesser Tunb and the Greater Tunb, the Islamic Republic of Iran reiterates its consistent and principled position that it does not recognize the existence of any such dispute between Iran and the United Arab Emirates; the three islands have been an inseparable part of Iranian territory and, therefore, any claim to the contrary is categorically rejected. Nonetheless, and to show its utmost respect for the principle of good-neighbourliness, Iran has always expressed its readiness to talk with the United Arab Emirates bilaterally with a view to removing any misunderstanding that may exist on the part of the United Arab Emirates over Abu Musa island. That said, we caution against any involvement by third parties in this issue of a bilateral character and regard such involvement to be hardly constructive or useful.

7. Finally, "Persian Gulf" is the only true geographical designation for the body of water lying between Iran and the Arabian Peninsula, which has been used from the dawn of history. As the institutional memory of all renowned cartographic agencies testifies, this sea area has been always identified as "Persian Gulf". In this context, the policy of the United Nations in the standardization of geographical names, and its practice in emphasizing the name Persian Gulf as the only geographical designation applicable to this body of water, are noteworthy and should therefore be respected by all.

I should be grateful if you would have the present letter circulated to all members of the Security Council and issued as a document of the Security Council.

(*Signed*) Gholamali **Khoshroo**
Ambassador
Permanent Representative

United Nations A/70/744–S/2016/161

General Assembly
Security Council

Distr.: General
22 February 2016

Original: English

General Assembly
Seventieth session
Agenda item 35
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Seventy-first year

Identical letters dated 19 February 2016 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the fourth quarterly report (for the period October-December 2015) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia.

I should be grateful if you would have the present letter and its annex issued as a document of the General Assembly, under agenda item 35, and of the Security Council.

(*Signed*) Kaha **Imnadze**
Ambassador
Permanent Representative

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Annex to the identical letters dated 19 February 2016 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Fourth quarterly report (for the period October-December 2015) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia

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I. Introduction

Aims of the Report and Methodology Applied

1. This is the fourth quarterly report of the Ministry of Foreign Affairs of Georgia, covering the period of October-December 2015 and aiming at assessing the human rights situation in the occupied regions of Georgia. The Ministry of Foreign Affairs of Georgia will further continue the preparation of such reports on a quarterly basis. This reporting exercise aims to contribute to the provision of regular and updated information to the international community, to states as well as to international inter-governmental and non-governmental organizations, on the human rights situation in the occupied regions of Georgia.

2. As for the applied methodology, this reporting exercise consolidates and assesses existing information from various open sources, national and international, on violations of human rights in the occupied regions of Georgia. Due to limitations on its length, the report does not aim to collect/contain information on all cases of violations of human rights in the occupied regions of Georgia; it aims to consolidate and assess only some of the most known examples of violations. The methodology applied does not provide for the conduct of fact-finding visits to the occupied regions of Georgia, nor to the conduct of interviews. Therefore the methodology applied does not enable this reporting exercise to collect and produce new data on the human rights situation in the occupied regions of Georgia.

Responsibility of the Occupying Power for Human Rights Violations

3. The territories of two regions of Georgia — Abkhazia, Georgia and the Tskhinvali Region, Georgia are occupied by the Russian Federation. The occupation of regions of Georgia by the Russian Federation has been recognized by the international community. The Russian Federation as the occupying power, exercises effective control over Abkhazia, Georgia and the Tskhinvali Region, Georgia. These two regions still remaining under foreign military occupation, constitute above all dangerous "black holes" in verifying human rights violations and holding the violators accountable. The occupying power, exercising effective control, has been preventing numerous international organizations, including humanitarian, from entering those territories.

In the reporting period, Mr. Nils Muižnieks, the Commissioner for Human Rights of the Council of Europe visited Georgia. One of the aims of the visit was to monitor the human rights situation in the occupied territories of Georgia on the ground. Despite some efforts, the Commissioner was not allowed to enter the occupied regions of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia.

Occupation Line and Installation of Barbed Wire Fences

4. The occupation line along the administrative boundary line (ABL) with Abkhazia and the Tskhinvali Region separates Georgia from its two occupied territories. In 2009 the transfer of the control of the occupation line to the Russian FSB officers puts further restrictions on ethnic Georgians: Russia continues to place undue restrictions on the local population wishing to cross the occupation line that often runs through their orchards, yards, grazing fields, agricultural plots and cemeteries. Since January 2013 the Russian occupation forces intensified the process of the installation of barbed wire fences and other artificial obstacles along

the occupation lines in Abkhazia and the Tskhinvali Region (launched back in 2009). Currently, the total length of artificial barriers along the occupation line in Tskhinvali Region is nearly 51 km. Barbed wire fences cover a stretch of more than 12 km in the Abkhazian region. The process of the installation of barbed wire fences by the Russian Federation violates human rights such as the right to free movement, the right to property, the right to family life and the right to education in the native language.

New Wave of so called "Passportisation"

5. It should be noted here that a new wave of so called "passportisation" was underway during the reporting period in the occupied region of Abkhazia.[1] This process is expected to be completed in February 2016. The above process implies issuance of 300 000 new "documents": 250 000 internal "passports" and 50 000 "residence permits". All 300 000 documents were already processed in the Russian Federation by "Goznak".[2] Residents of Gali district fear this so called "passportisation" will further deteriorate their condition.[3] Undoubtedly, this so called "passportisation" may result in a situation where individuals, not eligible to so called new "Abkhaz passports" or so called new "residence permits", face more complications regarding the right to property and the freedom of movement across the occupation line. On 3 November 2015, Mr Khajimba declared that he is concerned about a big number of residents of Abkhazia with Georgian citizenship. According to him, the exact number of Georgian citizens residing in Abkhazia should be known and they should adapt to local reality and for that reason a "law on legal status of foreigner" will be adopted in the near future.[4] Ethnic Georgians residing in the occupied region of Abkhazia have all grounds to be concerned about such perspective; status of a "foreigner" can at least restrict their right to property and deteriorate prospects of movement across the occupation line and, in the worst case, become ground for another wave of ethnic cleansing.

Universal Periodic Review (UPR)

6. It is important to note that Georgia's review under the UPR was held during the reporting period,[5] namely in November 2015. The Universal Periodic Review (UPR) is unique mechanism of the UN Human Rights Council and it involves a periodic review of human rights records of all UN member states.[6] The goal of UPR is the improvement of the human rights situation worldwide; to achieve this, the

[1] Available at http://www.apsnypress.info/news/pervaya-partiya-novykh-pasportov-grazhdanina-abkhazii-pribyla-v-respubliku/.

[2] "Goznak" is Federal State Unitary Enterprise in the Russian Federation that is 100% government-owned and is responsible for the manufacturing of banknotes, coins, stamps, ID-cards. Available at http://goznak.ru/en/about/today/.

[3] Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 12 October and 16 October 2015, p. 5.

[4] Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 2 November and 8 November 2015, p. 4.

[5] October-December 2015.

[6] *Basic Facts about the UPR*. "OHCHR". Available at http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx.

UPR process involves assessments of states' human rights records and addressing human rights violations wherever they take place.[7]

7. Under the second-cycle of the UPR, Georgia's review was held on 10 November 2015 during twenty-third session of the Human Rights Council. As part of the UPR review, the government of Georgia prepared and submitted a national report which included a separated section on the human rights situation in the occupied territories of Georgia. It is of paramount importance that during the review, on 10 November 2015, in their speeches twelve member states (Austria, Australia, the UK, Estonia, Lithuania, Latvia, the U.S., Moldova, Poland, Costa Rica, Ukraine and Slovenia) touched upon the issue of human rights violations in Abkhazia, Georgia and the Tskhinvali Region, Georgia or/and stressed the need of access of international human rights monitoring mechanisms to these regions. It should be particularly emphasized that three member states — Lithuania, Ukraine and Moldova issued UPR recommendations to Georgia on the intensification of engagement with the international community for ensuring access of international human rights monitoring mechanisms to Abkhazia, Georgia and the Tskhinvali Region, Georgia.[8] The Government of Georgia accepted all three recommendations among other recommendations.

II. Freedom from Torture and Ill-treatment

8. It is noteworthy that during and after the August War of 2008, numerous cases were reported from the occupied regions of Georgia of torture and ill-treatment.

9. It should be emphasized that during the reporting period,[9] namely on 6 November 2015, the UN Human Rights Office of the High Commissioner (OHCHR) published the Report of Mr. Juan E. Mendez, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Georgia. The report specifies that the Special Rapporteur attempted to visit Georgia's regions of Abkhazia and the Tskhinvali region, however the authorities that exercise control over these regions denied him access.[10]

10. Several cases were noted during the reporting period on violations of the right to freedom from torture and ill-treatment. For example information available in the Georgian media and other open sources suggest the following cases that are listed below.

11. On 7 October 2015, several villages of "lower zone" of Gali district were raided by so called "Special Forces". In the village of Otobaia, Gali district two

[7] *Basic Facts about the UPR*. "OHCHR". Available at http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx.

[8] See Draft report of the Working Group on the Universal Periodic Review, Georgia. Human Rights Council, 23rd Session, Geneva, 2-13 November 2015.

[9] October-December 2015.

[10] Report of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Georgia. Human Rights Council, Thirty-first session. 6 November 2015, paragraph 4. Available at http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx.

youngsters were detained and were taken to so called "police unit". One of the detainees was beaten during the detention.[11]

12. On 8 October 2015, a resident of the village of Nabakevi, Gali district was severely beaten by the Russian FSB officers for so called "illegal border crossing" of the occupation line. Later the victim was transported to hospital of the village for the medical aid. In the hospital, the health condition of the victim was assessed as severely damaged.[12]

13. On 6 November 2015, a resident of the village of Otobaia, Gali district crossed the occupation line while the operating crossing point was closed. The resident was returning from the Zugdidi hospital, located on the territory controlled by the central government of Georgia. The resident was detained and severely beaten by the Russian FSB officers for so called "illegal border crossing". After beating, the victim was abducted by the same Russian FSB officers. Information about the whereabouts of the victim was missing for several days. According to some eyewitnesses, the blood stains were visible on the scene where the victim was beaten.[13]

III. Arbitrary Detention

14. Between 2009 and March 2015, in total 2481 people were detained by the Russian FSB officers for so called "illegal border crossing"; 1641 were detained along the occupation line in the Abkhazian region and 840 in the Tskhinvali region.[14] In 2015 503 people were detained by the Russian FSB officers for so called "illegal border crossing"; 341 were detained along the occupation line in the Abkhazian region and 162 in the Tskhinvali region.[15] However, according to information of the Press Office of the Russian FSB Border Guards, 2400 people were detained in 2015 by the Russian FSB officers for so called "illegal crossing of the Georgian-Abkhazian state border".[16]

15. The Russian FSB officers regularly carry out arbitrary detention for so called "illegal border crossing" along the occupation line. In most cases detention is followed by fines and later release. Detention period can last several days or several

[11] Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 5 October and 11 October 2015, p. 8.

[12] *Occupants Severely Beaten a Resident of Gali District*. "Abkhazeti Info", 8 October 2015, available at http://abkhazeti.info/abkhazia/2014/1444365093.php.

[13] *Exclusive: Russian Militaries first beaten and then abducted Georgian*. "Timer", 8 November 2015. Available at http://www.timer.ge/eqskluzivirusma-samkhedroebma-qarthveli-jer-sastikad-scemes-shemdeg-ki-gaitaces/.

[14] Georgian Citizens Detained by Russian Occupational Troops in 2015", Institute for Development of Freedom of Information (IDFI). Available at https://idfi.ge/en/georgian-citizens-detained-by-russian-occupational-troops-in-2015.

[15] Georgian Citizens Detained by Russian Occupational Troops in 2015", Institute for Development of Freedom of Information (IDFI). Available at https://idfi.ge/en/georgian-citizens-detained-by-russian-occupational-troops-in-2015.

[16] *In 2015 the Russian FSB Border Guards detained 2400 people for illegal crossing of the Georgian-Abkhazian border*. 22 December, 2015. Available at http://abkhazinform.com/item/2831-s-nachala-2015-goda-rossijskie- pogranichniki-zaderzhali-bolee-2400-chelovek-za-narushenie-pravil-peresecheniya-gruzino-abkhazskoj-granitsy.

months, in some cases several years. Numerous cases have been reported during the reporting period[17] on arbitrary detention in the occupied regions. For example, information available in the Georgian media and other open sources report the following cases that are listed below.

16. On 13 October 2015, two shepherds from the village of Tsitelubani, Gori district were detained by the Russian FSB officers for so called "illegal border crossing". Two shepherds were in pastures along the occupation line. However two shepherds did not cross the occupation line; the Russian FSB officers entered the territory controlled by the central government and detained them. According to members of their families, shepherds used to visit the area every day because it is on the territory controlled by the central government of Georgia.[18]

17. On 17 October 2015, two residents of the village of Dvani, Kareli district were detained by the Russian FSB officers for so called "illegal border crossing". Two men were harvesting the crops in their orchards when the Russian FSB officers detained them. According to local residents, the detainees did not cross the occupation line; the Russian FSB officers entered the territory controlled by the central government and detained them.[19]

18. On 21 October 2015, a woman and her son-in-law, both residents of the village of Artsevi, Kareli district were detained by the Russian FSB officers along the occupation line with Tskhinvali region. A house of the son-in-law is located in the same village but on the other side of the occupation line. A woman handed to her son-in-law, who was on the other side of the barbed wire fence, a housekeeping unit. This served the reason for their detention.[20]

19. On 23 October 2015, three residents of the village of Sakorintlo, Kaspi district were detained by the Russian FSB officers for so called "illegal border crossing". All three of them were in pasture fields for livestock grazing. According to the eyewitnesses, the detainees did not cross the occupation line, but the Russian FSB officers invaded into the territory controlled by the central government and detained them.[21]

20. On 29 October 2015, the Russian FSB officers detained three journalists of online media in the village of Tagiloni, Gali district for so called "illegal border crossing". According to the eyewitnesses, the journalists visited the village of Tagiloni in order to collect information on local social conditions: they were interviewing locals. Suddenly armoured military vehicle with the Russian FSB

[17] October-December 2015.

[18] *Two Shepherds Detained on the Territory of Tsitelubani*. "IPN". 12 October 2015. Available at http://www.interpressnews.ge/ge/konfliqtebi/349400-sofel-tsithelubnis-teritoriaze-ori-mtsyemsi-daakaves.html.

[19] *Two More Georgian Arrested in Dvani*. "First Channel". 17 October 2015. Available at http://1tv.ge/ge/news/view/109297.html.

[20] *Situation at the Occupation Line: two residents of Artsevi detained*. "First Channel". 21 October 2015. Available at http://1tv.ge/ge/news/view/109559.html.

[21] *In the Village of Sakorintlo three People were Detained*. "IPN". 23 October 2015. Available at http://www.interpressnews.ge/ge/konfliqtebi/351029-sakorinthlos-ganapiras-sheiaraghebulma-pirebma-sami- adgilobrivi-daakaves.html?ar=A.

officers arrived and detained all three journalists. They were transported to the direction of the Russian military base.[22]

21. On 2 November 2015, a citizen of Georgia was detained by the Russian FSB officers along the occupation line with Abkhazia for so called "illegal border crossing". Criminal charges were brought against the detainee.[23]

22. On 20 November 2015, a father and his son, both residents of the village of Kere, Gori district were detained by the Russian FSB officers for so called "illegal border crossing". Both persons were in pasture fields for livestock grazing. According to local residents, two detainees did not cross the occupation line, but the Russian FSB officers invaded into the territory controlled by the central government and detained them.[24]

23. On 23 November 2015, three residents of the village of Adzvi, located along the occupation line with Tskhinvali region, were detained by the Russian FSB officers for so called "illegal border crossing". Three people were detained when they approached local church for religious ritual. All three detainees were transported to the direction of Tskhinvali. According to local residents, the Russian FSB officers warned all other residents of the adjacent villages not to approach church due to the occupation line. Local residents complain that there are no barbed wire fences separating the church from the territory controlled by the central government and that the installed signpost marking so called "state border" does not explicitly prohibit the approaching of the church and its premises.[25]

24. On 22 December 2015, two elderly, one of them 80 year old woman, both of them residents of the village of Chvrinishi, Kareli district were detained by the Russian FSB officers for so called "illegal border crossing". According to local residents, the detention took place nearby the occupation line.[26]

25. On 28 December 2015, 20 ethnic Georgians were detained in the village of Nabakevi, Gali district by the Russian FSB officers for so called "illegal border crossing". Among 20 detainees, one was a nine year old child. Despite numerous requests, father of the detained child was refused to see his detained child.[27]

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[22] *Journalists of Online Media were Detained in the Village of Tagiloni, Gali District*. "Smo News". 29 October 2015. Available at http://www.smoge.org/გალის-რაიონის-სოფელ-თაგი-2/.

[23] *A Citizen of Georgia Detained in the Occupied Abkhazia*. "Kvira". 2 November 2015. Available at http://kvira.ge/%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%98%E1%83%A0%E1%83%94%E1%83%91%E1%83%A3%E1%83%9A-%E1%83%90%E1%83%A4%E1%83%AE%E1%83%90%E1%83%96%E1%83%94%E1%83%97%E1%83%A8% E1%83%98-%E1%83%A1%E1%83%90%E1%83%A5/.

[24] *Father and Son Detained*. "Radio Liberty". 20 November 2015. Available at http://www.radiotavisupleba.ge/content/dakaveba-saokupatsio-khaztan/27376806.html.

[25] *Three People Detained near Adzvi*. "IPN". 23 November 2015. Available at http://www.interpressnews.ge/ge/konfliqtebi/355430-sofel-adzvthan-sami-piri-daakaves.html?ar=A.

[26] *Two Elderly Abducted from the Occupation Line still in Detention*. "First Channel". 22 December 2015. Available at http://1tv.ge/ge/news/view/113785.html.

[27] *Occupants Detained 20 Georgians in the Village of Nabakevi*. "Abkhazeti info". 28 December 2015. Available at http://abkhazeti.info/abkhazia/2014/1451371603.php; *Russian occupants detained 20 Georgians, including a 9- year-old boy in Nabakevi*. "Rustavi 2", 29 December 2015. Available at http://rustavi2.com/en/news/35404.

IV. Freedom of Movement

26. People are regularly detained by the Russian FSB officers for so called "illegal border crossings" while the operating crossing points along the occupation line allow crossings only to individuals having one of the types of "documents" recognized by the occupying power and based on vague criteria as to the validity of these documents.[28] Numerous cases were reported during the reporting period on violations of the right to freedom of movement.

27. According to information of the Press Office of the Russian FSB Border Guards, throughout the year 2015, that includes three months of the reporting period,[29] the Russian FSB officers identified more than 7000 people wishing to cross so called "the Georgian-Abkhazian state border" without "proper documentation".[30] The list of "documents" that are acceptable was published on 15 June 2015 by the Russian FSB Border Guards in the Russian language.[31] Those unable to present those documents or show up at the crossing point out of working hours, are denied the right to cross, often leading to problems among those locals, including children and women, seeking urgent medical treatment.

28. The process of the installation of barbed wire fences by the Russian Federation along the occupation line violates human rights including the right to freedom of movement. Mr Kęstutis Jankauskas, Head of EUMM Georgia spoke at First Meeting of the EU-Georgia Parliamentary Association Committee, held on 3-4 November 2015 in Tbilisi. According to Mr Jankauskas, in region of Abkhazia installation of barbed wire fences almost doubled in order to restrict freedom of movement along the uncontrolled segments of administrative boundary line (ABL). Mr Jankauskas stated that some difficult issues may arise in the nearest future related to the interpretation by the Russian Federation of various maps. According to Jankauskas problems were faced when pupils were prevented from crossing the line for attendance of school.[32]

29. It is noteworthy that the ongoing construction by government of Georgia of multifunctional medical centre in the village of Rukhi, located in 5 kilometres away from the occupation line with Abkhazia, served as a reason for worrisome statements made in Abkhazia region on possible future introduction of visa regime for ethnic Georgians living in Abkhazia region or on complete closure of administrative boundary line.[33] It should be noted that the system of health care of Georgia operates a program that ensures free of charge medical treatment of people

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[28] Consolidated Report on the Conflict in Georgia, Council of Europe (November 2014-March 2015), 22 April 2015, SG/Inf (2015) 18, paragraph 44.

[29] October-December 2015.

[30] *In 2015 the Russian FSB Border Guards detained 2400 people for illegal crossing of the Georgian-Abkhazian border*. 22 December, 2015. Available at http://abkhazinform.com/item/2831-s-nachala-2015-goda-rossijskie-pogranichniki-zaderzhali-bolee-2400-chelovek-za-narushenie-pravil-peresecheniya-gruzino-abkhazskoj-granitsy.

[31] Available at http://abkhazinform.com/item/1356-pogranuppravlenie-fsb-rf-v-abkhaziiinformiruet-grazhdan-o-dokumentakh-pozvolyayushchikhperesekat-gruzino-abkhazs.

[32] *Preparation of Military Unites of so called South Ossetia and Abkhazia much more Intensified then in the Past*. "Pirweli". 4 November 2015. Available at http://pia.ge/show_ news.php?id= 53073.

[33] *Temur Nardaia is not excluding the full Closure of Georgian-Abkhazian Border*. "Nuzhnaya Gazeta". 9 November 2015. Available at http://abh-n.ru/timur-nadaraya-ne-isklyuchaet-polnogo-zakrytiya-granicy-po-reke- ingur/.

living in the occupied regions of Georgia. According to existing data, hundreds of residents from the occupied region of Abkhazia benefited from this medical system on the territory controlled by the central government.

30. On 23 November 2015, residents of the of Adzvi, located along the occupation line with Tskhinvali region, were banned by the Russian FSB officers to visit the village church. The Russian FSB officers warned the residents of the village not to approach the church due to the occupation line. The local population of the village was always able to visit the church without any restriction. According to a local resident "a group of villagers was planning to visit the church, however the Russian FSB officers in masks stopped us and forced to go back."[34]

V. Right to Property

31. The issue of homes and property lost during the conflicts in Georgia remains unsolved. For years, the right to property has been subject to systematic and gross violations in the occupied regions of Georgia; hundreds of houses of ethnic Georgians were burned/destroyed deliberately during and after the August War of 2008. The situation with regard to the right to property remained the same between October and December 2015. Numerous sources suggest continuing violations of the rights to property during the reporting period. Information available in the Georgian media and other open sources report the following:

32. According to information of the Press Office of the Russian FSB Border Guards, throughout the year 2015, that includes three months of the reporting period,[35] the Russian FSB officers seized 1 100 kilograms of hazelnut from so called "trespassers of the Georgian-Abkhazian state border".[36] During the reporting period, the Russian FSB officers were collecting so called "customs tariffs" over hazelnut transported across the occupation line.[37] It should be noted that hazelnut constitutes significant source of income for some people living in the occupied region of Abkhazia, in particular, for the most of the local residents of Gali district. Many residents of the occupied region of Abkhazia try to cross the occupation line in order to transport and sell wholesale the harvested hazelnut in Zugdidi, the territory controlled by the central government of Georgia, where the price is much higher than offered by local markets in the occupied region.

33. On 23 October 2015, the Russian FSB officers entered pasture fields of the village of Sakorintlo, Kaspi district located on the territory controlled by the central government of Georgia and detained 3 local residents and abducted 10 units of domestic cattle belonging to several families of the village.[38]

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[34] *Three People Detained near Adzvi*. "IPN". 23 November 2015. Available at http://www.interpressnews.ge/ge/konfliqtebi/355430-sofel-adzvthan-sami-piri-daakaves.html?ar=A.

[35] October-December 2015.

[36] *In 2015 the Russian FSB Border Guards detained 2400 people for illegal crossing of the Georgian-Abkhazian border*. 22 December, 2015. Available at http://abkhazinform.com/item/2831-s-nachala-2015-goda-rossijskie- pogranichniki-zaderzhali-bolee-2400-chelovek-za-narushenie-pravil-peresecheniya-gruzino-abkhazskoj-granitsy.

[37] Available at http://www.livepress.ge/ka/site/news/12927.

[38] *Occupants Abducted 3 People and 10 Domestic Cattle from Kaspi District*. "NewPost". 23 October 2015. Available at http://www.newposts.ge/?l=G&id=90087.

34. On 31 December 2015, Russian militaries deployed additional troops in Gali in order to strengthen control of the occupation line adjacent to the villages of "upper zone" and "lower zone" of Gali district. According to the disseminated information, newly deployed the Russian FSB officers have the list of Georgian families using the Georgian mobile network operators and they were tasked to seize mobile phones form these families. According to Gali residents "the situation on the ground is horrible. All local residents who were transporting products to Zugdidi market were detained by Russian militaries and all products were seized from them. Some of the detainees were later released and some were transported to the Russian military base."[39]

VI. Right to Education in the Native Language

35. In the Gali district there are 31 schools. By the end of the academic year 2014-2015 there were 4,459 pupils and 918 employees in these 31 schools; from 4,459 pupils, 4,351 i.e. 97.57 per cent, were ethnically Georgian and from 918 employees, 91.78 per cent were ethnically Georgian.[40]

From 31 schools only 11 schools, all of which are in "lower zone" of Gali district, had the status of Georgian schools until the end of the academic year 2014-2015 and subjects were taught in the Georgian language.[41] As for the remaining 20 schools in Gali district, several years ago all of them were transformed to the Russian schools.[42]

36. From the beginning of September of the academic year 2015-2016, drastic changes were made in the curriculum of these 11 schools in "lower zone" of Gali district, namely now all subjects are taught in the Russian language in the first four grade classes i.e. in first grade, second grade, third grade and fourth grade classes.[43] The policy, if continued for 6 years, will result in gradual replacement of the Georgian curriculum with the Russian curriculum for all grades in these 11 schools of "lower zone" of Gali district. The Russian curriculum means that the Russian textbooks, licensed by the Ministry of Education and Science of the Russian

[39] *Russian Occupants Deployed Additional Troops in Gali for so called Border Control*. "NewPost". 31 December 2015. Available at http://www.newposts.ge/?id=95969.

[40] Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 27 July and 2 August 2015.

[41] *The Realm of the Possible — Finding ways forward in the Georgian-Abkhaz context: People in the Gal/I region*, Conciliation Resources, July 2015, page 10. Available at http://www.c-r.org/downloads/CR_The-Realm-of-the- possible_Gal-i_43_webEn.pdf; Report of the Year 2014 of the Public Defender of Georgia on the Situation of Rights of the Population Affected by the Conflicts, 5 June 2015, page 26. Available at http://www.ombudsman.ge/en/news/reports-on-the-human-rights-situation-of-conflict-affected-population-and-internally-displaced-persons-in-georgia.page.

[42] "A special Report of the Public Defender of Georgia — The Right to Education in Gali District: New Developments and Challenges of the Academic Year of 2015-2016", Public Defender of Georgia, October 2015, page 5. Available at https://drive.google.com/file/d/0B9BM3M8hbgAUNFE3RndlaXc2dFU/view?pref=2&pli=1.

[43] "A special Report of the Public Defender of Georgia — The Right to Education in Gali District: New Developments and Challenges of the Academic Year of 2015-2016", Public Defender of Georgia, October 2015, page 5. Available at https://drive.google.com/file/d/0B9BM3M8hbgAUNFE3RndlaXc2dFU/view?pref=2&pli=1.

Federation and published in the Russian Federation, are used for the teaching.[44] In these classes only 1 hour per week is allocated for learning the Georgian language as a foreign language.[45]

37. According to the information disseminated on 20 October 2015, there is a grave situation in Gali, namely children are literally forced to learn the Russian language; pupils of 11 schools in "lower zone" of Gali district have difficulties in learning subjects in the Russian language. According to parents of the schoolchildren, since these schools used to be Georgian schools until the academic year 2014-2015, pupils, particularly of third and fourth grades, lack sufficient knowledge of the Russian language and they are unable to learn subjects in the Russian language.[46] The problems exist with regard to pupils of tenth grades: graduation exams in 2016 will be in the Russian language.[47]

38. Due to the complications with learning subjects in Russian, a number of parents made the decision on termination of attendance by their schoolchildren of the schools with newly introduced Russian curriculum.[48] Some families were forced to migrate from Gali district to the territory controlled by the central government in order to have access for their children of the Georgian language schools.[49] After the end of academic year 2014-2015, 55 schoolchildren changed schools and moved to schools located in the territory controlled by the central government; these are predominantly pupils of the second, third and fourth grades.[50] According to some parents, pupils cannot comprehend subjects such as mathematics and nature in a foreign (Russian) language.[51]

39. According to the information disseminated on 6 November 2015, decision had been made to force all teachers of the Georgian language in Gali district to pass a

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[44] "A special Report of the Public Defender of Georgia — The Right to Education in Gali District: New Developments and Challenges of the Academic Year of 2015-2016", Public Defender of Georgia, October 2015, page 4. Available at https://drive.google.com/file/d/0B9BM3M8hbgAUNFE3RndlaXc2dFU/view?pref=2&pli=1.

[45] Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 31 August and 4 September 2015.

[46] *Children in Gali are Forced to Learn in Russian*. "Timer", 20 October 2015. Available at http://www.timer.ge/%E1%83%92%E1%83%90%E1%83%9A%E1%83%A8%E1%83%98-%E1%83%A0%E1%83%A3%E1%83%A1%E1%83%A3%E1%83%9A%E1%83%98%E1%83%A1-%E1%83%90%E1%83%A0%E1%83%9B%E1%83%AA%E1%83%9D%E1%83%93%E1%83%9C%E1%83%94-%E1%83%91/.

[47] *Georgian Teachers and Schoolchildren in Abkhazia will need to Pass Exams in Russian*. 6 November 2015. Available at http://www.newposts.ge/?l=G&id=91376-%E1%83%90%E1%83%A4%E1%83%AE%E1%83%90%E1%83%96%E1%83%94%E1%83%97%E1%83%98,%20%E1%83%92%E1%83%90%E1%83%9C%E1%83%90%E1%83%97%E1%83%9A%E1%83%94%E1%83%91%E1%83%90.

[48] Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 9 November and 16 November 2015, p. 7.

[49] *Georgians have Commenced to Leave Gali*. "Marshal Press". 13 November 2015. Available at http://marshalpress.ge/?p=15176.

[50] *Georgians have Commenced to Leave Gali*. "Marshal Press". 13 November 2015. Available at http://marshalpress.ge/?p=15176.

[51] *Georgians have Commenced to Leave Gali*. "Marshal Press". 13 November 2015. Available at http://marshalpress.ge/?p=15176.

special exam in the Russian language; in case they fail, they will be dismissed.[52] According to some reports, schoolchildren and their teachers in Gali are subjected to regular and arbitrary control; their bags are forcefully checked to avoid the Georgian language materials in schools.[53]

VII. Conclusions

40. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of torture and ill treatment and examples provided for the reporting period constitute infringements on freedom from torture and ill-treatment and therefore are violations of Article 7 of the International Covenant on Civil and Political Rights (ICCPR); Article 5 of the Universal Declaration of Human Rights (UDHR); Article 3 of the European Convention on Human Rights (ECHR); and the OSCE commitments.[54]

41. It can be concluded that the situation described in the occupied regions of Georgia with regard to arbitrary detention and examples provided for the reporting period constitute arbitrary detention and therefore violations of Article 9 of the International Covenant on Civil and Political Rights (ICCPR); Article 3 of the Universal Declaration of Human Rights (UDHR); Article 5 of the European Convention on Human Rights (ECHR); and relevant provisions of the OSCE commitments.[55]

42. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of movement and examples provided for the reporting period constitute violations of the right to freedom of movement, namely of Article 12 of the International Covenant on Civil and Political Rights (ICCPR); Article 13 of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 4 of the European Convention on Human Rights (ECHR); and the OSCE freedom of movement commitments.[56]

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[52] Georgian Teachers and Schoolchildren in Abkhazia will need to Pass Exams in Russian. ^ November 2015. Available at http://www.newposts.ge/?l=G&id=91376-%E1%83%90%E1%83%A4%E1%83%AE%E1%83%90%E1%83%96%E1%83%94%E1%83%97%E1%83%98,%20%E1%83%92%E1%83%90%E1%83%9C%E1%83%90%E1%83%97%E1%83%9A%E1%83%94%E1%83%91%E1%83%90.

[53] *Georgians have Commenced to Leave Gali*. "Marshal Press". 13 November 2015. Available at http://marshalpress.ge/?p=15176.

[54] The Vienna Concluding Document (1989) prohibits torture and other cruel, inhuman or degrading treatment or punishment. Paragraph 23.4; The Paris Document (1990) also prohibits torture and other cruel, inhuman or degrading treatment or punishment; the Istanbul Charter for European Security commits to "eradicating torture and other cruel, inhuman or degrading treatment or punishment throughout the OSCE area." Paragraph 21.

[55] The Vienna Concluding Document (1989) provides for ensuring that no one is subjected to arbitrary arrest, detention or exile. Paragraph 23.1; According to the Moscow Document (1991) "no one will be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law". Paragraph 23.1 (i).

[56] According to paragraph 33 of the Moscow Document (1991), the OSCE participating States are obliged to remove all restrictions with regard to travel within the territory of a State and with regard to residence for those entitled to permanent residence within the territory of a State. And according to paragraph 20 of the Vienna Concluding Document (1989), the OSCE participating States are committed to secure the right of everyone to freedom of movement and residence within the borders of a State.

43. It can be concluded that the situation described in the occupied regions of Georgia with regard to right to property and examples provided for the reporting period violate the right to property, namely Article 17 of the Universal Declaration of Human Rights (UDHR); Article 1, Protocol No. 1 of the European Convention on Human Rights (ECHR); and the OSCE commitments.[57]

44. It can be concluded that the situation described in the occupied regions of Georgia with regard to education in the native language[58] and examples provided for the reporting period constitute violations of the right to education in one's native language and therefore violations of Article 26 (read in conjunction with Article 2) of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 1 of the European Convention on Human Rights (ECHR); Article 28 (read in conjunction with paragraph 1 of Article 2) of the UN Convention on the Rights of the Child; and relevant provisions of OSCE commitments.[59]

VIII. Appeal to the International Community

45. The Ministry of Foreign Affairs of Georgia appeals to the international community, states as well as international intergovernmental and non-governmental organizations:

to continue recognizing extensively and widely the occupation of the territories of Georgia by the Russian Federation;

to continue calling on the Russian Federation to bear responsibility for human rights violations on the occupied regions of Georgia;

to continue calling on the Russian Federation to stop placing and remove barbed wire fences and other artificial obstacles and banners along the occupation line;

to take additional measures in order to monitor and report on the human rights situation in the occupied regions of Georgia, more specifically, the Ministry of Foreign Affairs of Georgia appeals to:

i) the Office of the United Nations High Commissioner for Human Rights (OHCHR) to take additional measures in order to regularly address and assess the human right situation in Abkhazia and Tskhinvali region of Georgia;

[57] The OSCE commitments impose obligation on states to ensure that everyone has the right to enjoy property and that no one may be deprived of properly except under conditions provided for by law. Moscow Document (1991), paragraph 24; Copenhagen Document (1990), paragraph 9.6.

[58] The right to receive education in the native language is widely recognized under international law. *Languages and the Realization of the Right to Education*, UNESCO. For example, under the ECHR, the right to education implies the right to be educated in the national language. *Belgian Linguistic Case*, Judgment of 23 July 1968, para 3 (A.6 (1968), p.31). In *Cyprus v. Turkey* the Court stated that the abolishing the facility for Greek-Cypriot children in Northern Cyprus for pursuing a secondary education in the Greek language violated Article 2 of the ECHR. Judgment of 10 May 2001, paragraphs 273-280.

[59] According to paragraph 63 of the Vienna Document (1989), all shall have access to "the various types and levels of education without discrimination as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

ii) the UN Human Rights Council's Special Procedure Mandate holders to take additional measures in order to address and report on the human right situation in Abkhazia and Tskhinvali region of Georgia;

iii) the Commissioner for Human Rights of the Council of Europe to take additional measures in order to address and report on the human right situation in Abkhazia and Tskhinvali region of Georgia;

iv) the OSCE and its autonomous institutions, namely the Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the High Commissioner on National Minorities (HCNM) to find ways for monitoring the human rights situation in Georgia's occupied regions. Such steps could, inter alia, include undertaking a follow-up mission to the occupied regions of Georgia and preparing a report on the status of the implementation of the recommendations contained in the ODIHR/HCNM 2008 Report on "Human Rights in the War Affected Areas following the Conflict in Georgia".

to continue calling on the Russian Federation to allow a) access of the international human rights monitoring mechanisms to the occupied regions of Georgia; b) access of the relevant missions of international organizations (e.g. EUMM), including humanitarian organizations, to the occupied regions of Georgia through legal routes;

to continue and intensify condemning violations of human rights such as freedom of movement; freedom from torture and ill-treatment; the right to liberty; the right to property and the right to receive education in the native language in the occupied regions of Georgia.

United Nations S/2016/162

Security Council

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Letter dated 19 February 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the President of the Security Council

I have the honour to forward to you the statement of the delegation of the Russian Federation presented at the extraordinary meeting of the Open Skies Consultative Commission convened on 19 February 2016 with regard to the violations by Turkey of the Treaty on Open Skies (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Petr **Iliichev**
Chargé d'affaires a.i.

16-02625 (E) 230216 230216

Please recycle

Annex to the letter dated 19 February 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the President of the Security Council

[Original: Russian]

Statement by the delegation of the Russian Federation at the extraordinary meeting of the Open Skies Consultative Commission held on 19 February 2016

The Russian Federation requested the convening of this extraordinary meeting, guided by the interests of the full and faithful implementation of the Treaty on the basis of openness and transparency in military activities.

Recently our delegation has repeatedly had to refer to violations by Georgia, the United States, Canada and Norway of the right of any State party to conduct observation flights over the territory of another State party. Today, the Russian Federation is forced to draw the attention of the Open Skies community to another gross violation of the Treaty on Open Skies by the Republic of Turkey.

On 26 January 2016, the Russian Federation submitted to all States parties a notification of its intention to conduct an observation flight over Turkish territory from 1 to 5 February 2016.

On 27 January 2016, Turkey acknowledged receipt of the Russian notification and expressed its willingness to accept the observation flight and relevant requests from Russia. Furthermore, no preconditions or restrictions were mentioned by Turkey.

During a briefing following the mission's arrival at the point of entry, the observed party announced that a part of Turkish territory along the Syrian-Turkish border was an area of hazardous airspace.

This hazardous airspace was not indicated by the observed party, in accordance with annex 1 to the Treaty, nor was it published in the national air traffic control rules, procedures and guidelines on flight safety, in accordance with article VI, section I, paragraph 14 (b), of the Treaty.

At the request of Turkey, the Russian group adjusted the altitude profile of the observation flight. Its route included the observation of areas adjacent to the Syrian border (over a 770 km distance, 20 to 60 km from the border) and airfields, where the aircraft of North Atlantic Treaty Organization (NATO) countries are concentrated (see enclosures 1 and 2).

However, even following this adjustment to the mission's plan, the conduct of the observation flight was denied by Turkey, which cited instructions from the Turkish Ministry of Foreign Affairs. This demonstrates that from the outset Turkey had no intention of complying with article 3, section 1, paragraph 2, of the Treaty, which states that each State party shall be obliged to accept observation flights over its territory in accordance with the provisions of the Treaty.

Thus, the statement by the official representative of the Turkish Ministry of Foreign Affairs, in which he asserted that the flight did not take place because "agreement could not be reached on the mission plan", does not correspond to

reality. We hope that today the distinguished delegation of Turkey will not resort to using that false argument.

We underscore that this unprecedented step by Turkey contradicts one of the key purposes of the Treaty: to promote greater openness and transparency through confidence-building measures, whose importance, incidentally, NATO so loves to discuss. Furthermore, Turkey has violated the main principle of the Treaty on Open Skies, which enables observation flights to be conducted over any part of the entire territory of the observed party, including areas mentioned by the observed party in official sources as being hazardous airspace.

According to the Treaty, Ankara had no right to deny us an observation mission over its territory. Its refusal therefore shows that Turkey is trying to conceal some activity possibly taking place in the areas over which the Russian plane was to have flown.

Furthermore, the airspace was closed at the request of the Ministry of Foreign Affairs of Turkey, which again suggests that this was a politically motivated step.

We should also like to draw the attention of States parties to the fact that this is by no means the first incidence of Ankara violating its international obligations.

For example, the position of the Patriot anti-aircraft missile system in southern Turkey has been closed for observation since February 2013. The explanation given was the automatic regime for the missile system and the possibility of accidental activation by Open Skies observation aircraft.

In 2014, a Turkish escort group stated that it was not possible to guarantee the safety of flights in some areas of the country's airspace, citing intensive flights by combat air forces as part of counter-terrorism operations.

Our request of 5 October 2015 to conduct an observation flight over Turkey from 12 to 16 October 2015 was met with a brief response: "Observation flights being planned by the Russian Federation in Turkey as part of security operations must be postponed". We cooperated and postponed the flight.

In December 2015, Turkey closed a significant part of its territory along the Syrian border to Russian observation aircraft, on the pretext of conducting military operations and again without documenting the restrictions, as provided for in the Treaty.

Thus, the systematic violations of the Treaty's requirements and the unconstructive actions by Turkey have set a precedent, where an observing party does not have an opportunity to monitor the military activities of one of the States parties. A lack of transparency in military activities and a disregard for commitments are being elevated to the status of national policy.

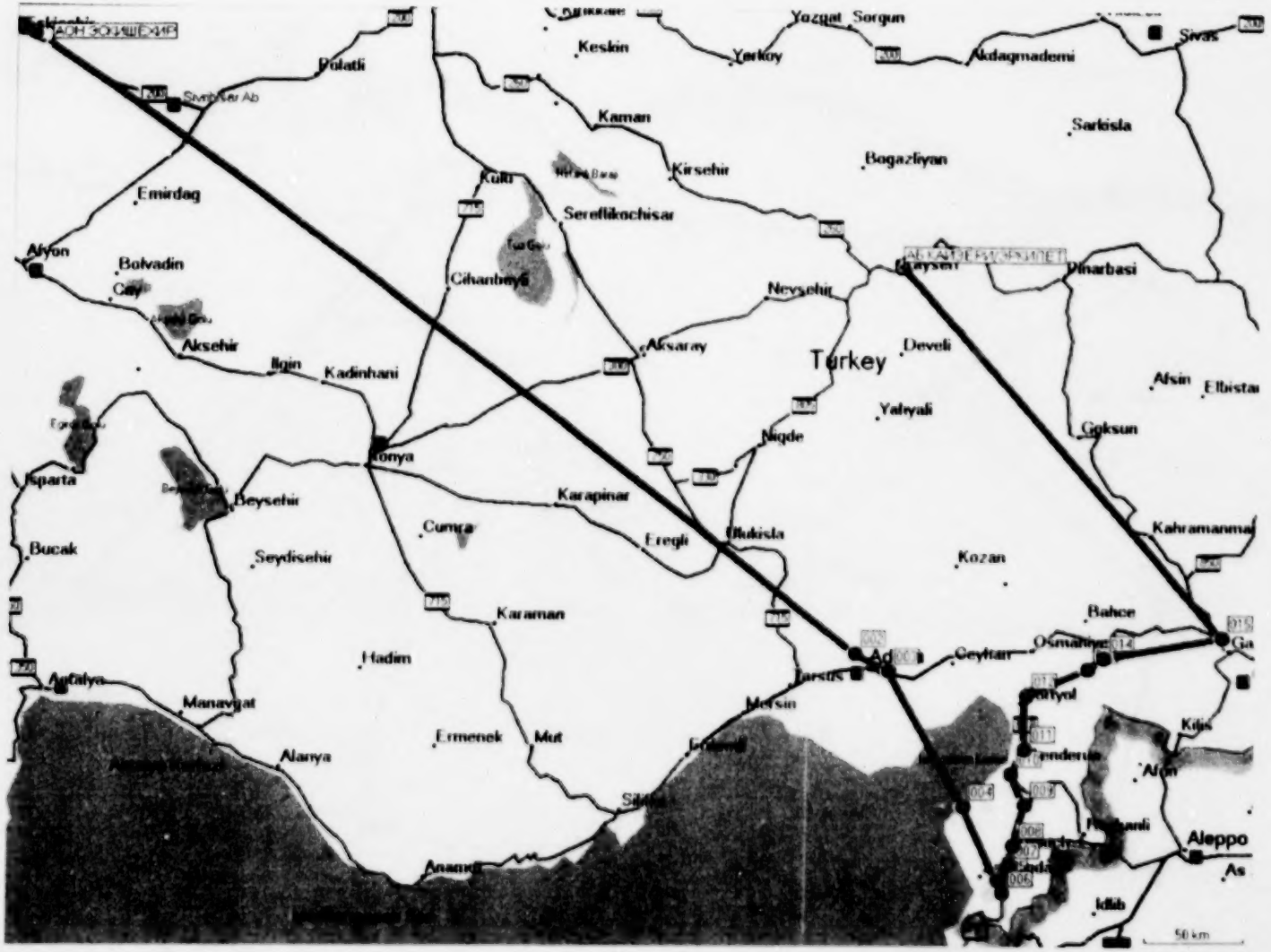
Some colleagues from NATO countries have no aversion to accusing Russia of "selectively implementing" the Treaty. In that connection, we recall that in 2014, during an acute phase of the conflict in south-east Ukraine, the Russian Federation gave States parties unfettered access to verify that there was not an "excessive build-up of Russian armed forces and military equipment" in the areas bordering Ukraine (see enclosure 3).

We believe that the actions of Turkey should not merely be a cause of concern to the Open Skies community, but also a cause of alarm vis-à-vis the integrity and viability of the Treaty as an effective confidence- and security-building measure.

The Russian Federation reserves the right to respond appropriately to Turkey's non-compliance with the provisions of the Treaty on Open Skies.

We look forward to the response of other States parties to the Treaty, including an objective evaluation of Ankara's actions. A failure to do this would mean only one thing: that "double standards" are being applied to the implementation of the Treaty.

Enclosure 1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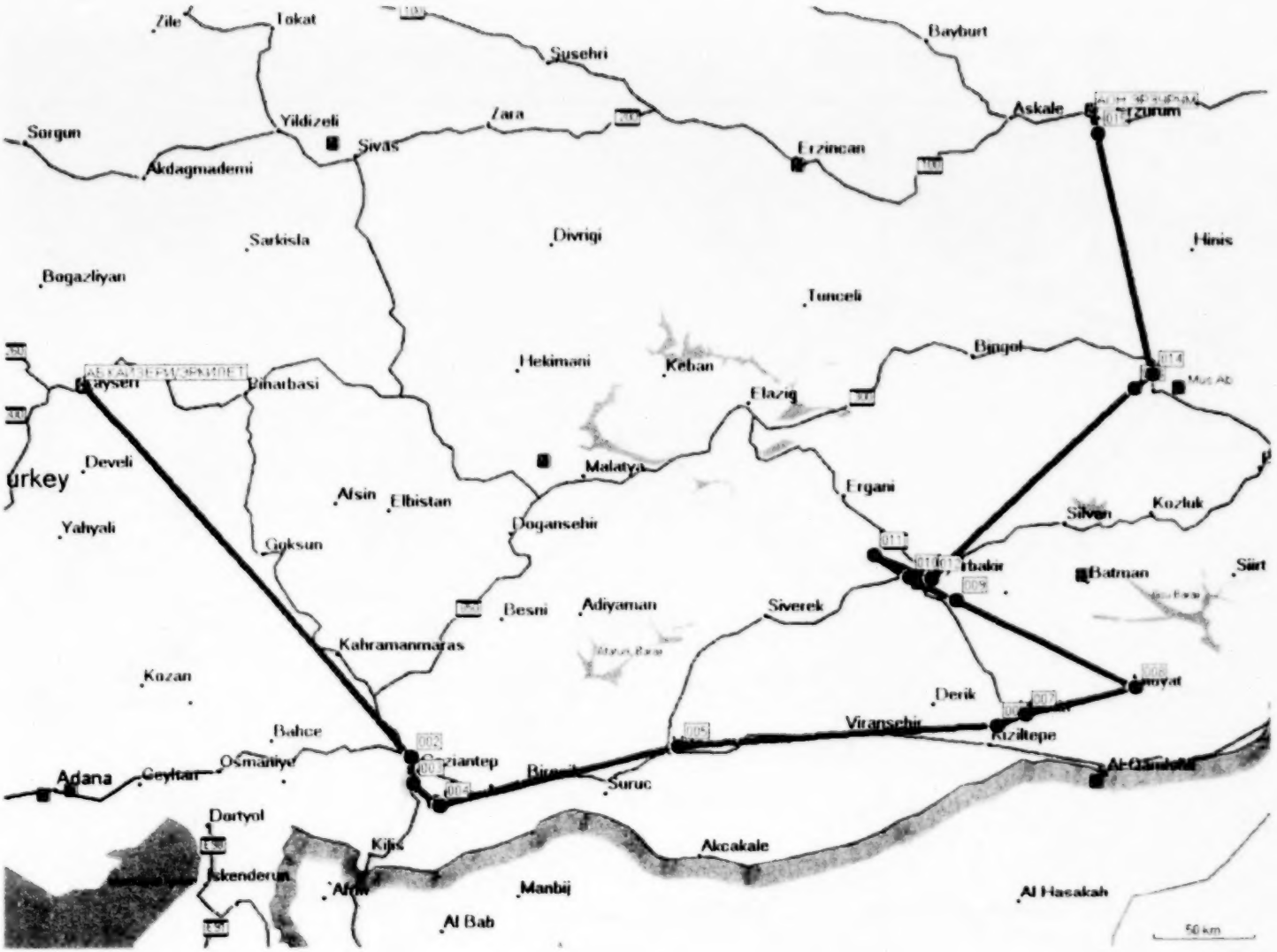
Enclosure 2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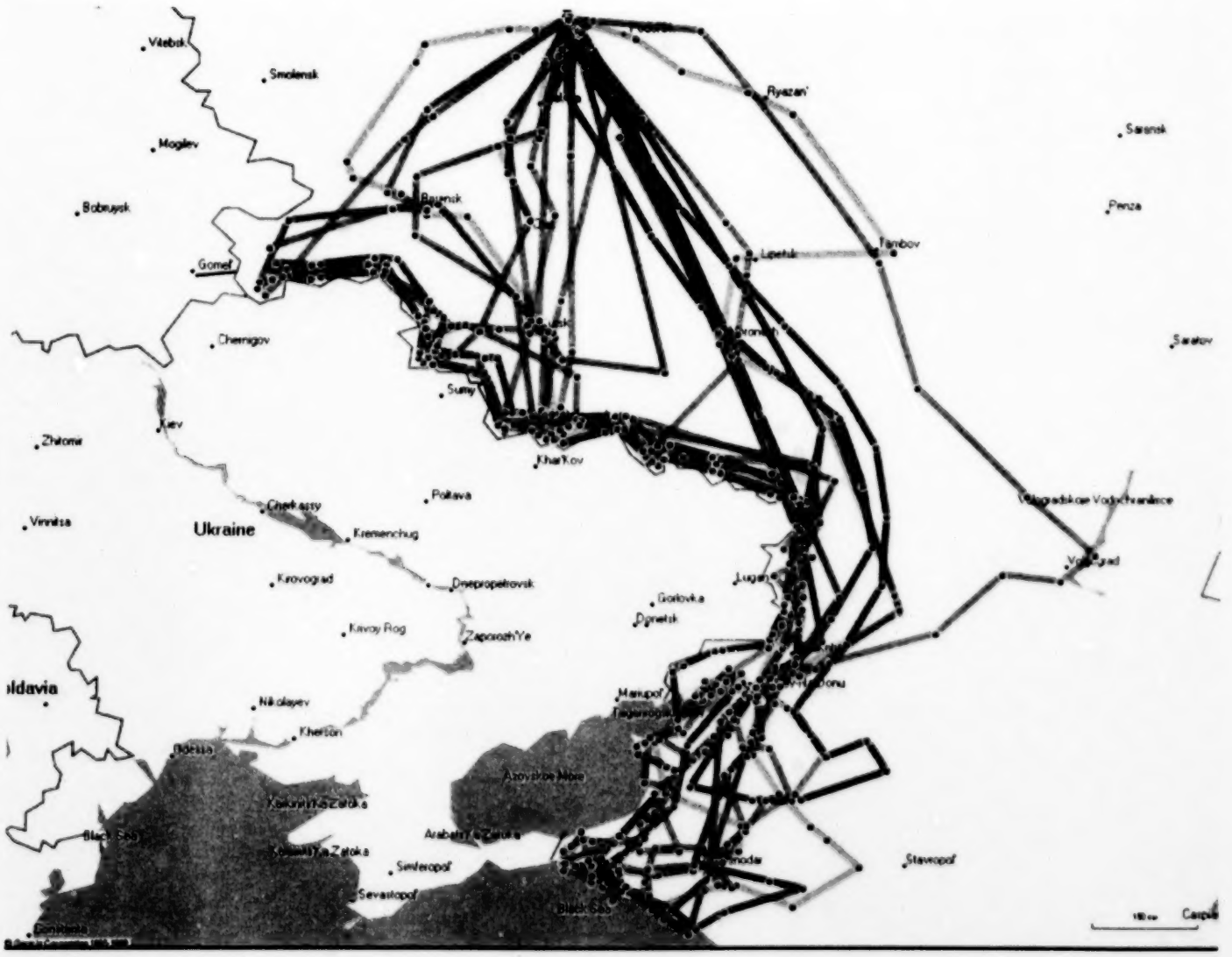
Enclosure 3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Security Council

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Letter dated 19 February 2016 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I am writing to you with reference to the letters from the Syrian regime's representative dated 14 February 2016 (S/2016/147) and dated 16 February 2016 (S/2016/149).

On behalf of my Government, I categorically refute all of the bogus allegations contained in the letters and their annexes. To put the record straight, I would like to share the following information on the current situation.

The crisis in Syria has been affecting Turkey significantly. We have been facing national security threats and attacks emanating from Syria since the start of the crisis, including from terrorist organizations therein. These threats have gained new dimensions and changed over time, and have always dramatically increased.

In this respect, we have announced on various occasions that we would not hesitate to exercise our inherent right of self-defence under international law. With this understanding, Turkey's determination to protect its citizens and borders was highlighted in our letter of 24 July 2015 addressed to the President of the Security Council, as well as in the letters dated 24 June 2012, 12 November 2012, 16 September 2013, 23 March 2014, 18 May 2015, 16 October 2015 and 24 November 2015.

Our rules of engagement vis-à-vis Syria, adopted on 26 June 2012, which are a concrete manifestation of our right to self-defence, in line with Article 51 of the Charter of the United Nations, are well known by all parties and have been meticulously implemented. One of the components of the rules of engagement is retaliation in kind to fire emanating from Syrian soil. As publicly stated by the Turkish officials at the highest level, our conduct over the past few days is nothing but the full implementation of these rules.

Recently increased PYD/YPG military activity to the east of Afrin, in Tal Rifat and in Azaz has no justification whatsoever. There is no Daesh/ISIL presence in these areas. The areas in question, notably Azaz, are refuge to tens of thousands of Syrians who are internally displaced. Attacking these areas bears the risk of triggering the movement of thousands of Syrians towards our border, which will only increase our national security concerns.

PYD/YPG and PKK are the same. They share the same leadership cadres, organizational and military structure, strategies and tactics, financial resources and

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training camps. There is no room for hesitation in this regard. It is also clear that PYD/YPG is pursuing the same objectives as those of the regime and its allies.

Indeed, the author of the letters I refer to confessed that the regime he represents cooperates with and supports PYD/YPG, which is also the perpetrator of the terrorist attack that took place in Ankara on 17 February 2016. I will not distort the statements of the regime's representative, as he distorted the statements of the Prime Minister of Turkey, Ahmet Davutoğlu, but rather quote them for ease of reference below:

Statements of 16 February 2016 by the Syrian regime's representative in response to a question related to PYD/YPG:

> By the way, these Syrian Kurds supported by the American Administration are also supported by the Syrian Government, just for your kind information. So that victories achieved in the northern part of Syria both by the Syrian army and the Syrian Kurds are a joint victory for all the Syrians. Everybody is benefiting from the Syrian army's direct support.

As long as the violations and the threats to our security continue, we will not hesitate to exercise our rights emanating from international law in full compliance with the established rules and regulations.

I would be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Y. Halit **Çevik**
Permanent Representative